

UNITED STATES DISTRICT COURT
FOR THE
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

UNITED STATES OF AMERICA,	§	
Plaintiff,	§	
	§	
v.	§	CIVIL ACTION NO.
	§	
\$22,971.00 IN U.S. CURRENCY,	§	
Defendant	§	

VERIFIED COMPLAINT FOR FORFEITURE IN REM

United States of America, Plaintiff, files this action for forfeiture against approximately \$22,971.00 in United States currency, Defendant in rem, and alleges the following.

Nature of the Action

1. This is an action to forfeit property to the United States pursuant to 31 U.S.C. §5317(c)(2).

Defendant in Rem

2. Defendant in rem is approximately \$22,971.00 in United States currency that was seized at the George Bush Intercontinental Airport in Houston, Texas, from Felix Santiago Eyzaguirre Gorvenia, also known as Felix Eyzaguirre, on March 16, 2010.

Jurisdiction and Venue

3. This Court has jurisdiction under 28 U.S.C. §1355 because this is an action for forfeiture.

4. Venue is proper in this Court under 28 U.S.C. §§ 1355 and 1395(a) and (b) because the acts or omissions giving rise to the forfeiture occurred in the Southern District of Texas, the property was found and is located in the Southern District of Texas, and this forfeiture action accrued in the Southern District of Texas.

Basis for Forfeiture

5. The Defendant in rem is subject to forfeiture pursuant to 31 U.S.C. § 5317(c)(2) which provides that any property involved in violations of 31 U.S.C. §§ 5316 and 5324(c) may be forfeited to the United States. Under 31 U.S.C. § 5316(a)(1)(A), a person shall file a report when the person knowingly transports, is about to transport, or has transported a monetary instrument of more than \$10,000 out of the United States. Under 31 U.S.C. § 5324(c)(1) and (2) no person shall, for the purpose of evading the reporting requirements of section 5316, fail to file a report required by 31 U.S.C. § 5316 and file a report required by 31 U.S.C. § 5316 that contains a material omission or misstatement of fact. United States currency is a monetary instrument under 31 U.S.C. §5312(a)(3)(A).

Facts

6. On March 16, 2010, Felix Santiago Eyzaguirre Gorvenia, also known as Felix Eyzaguirre, was about to leave the United States aboard Continental Airlines flight number 590 to Lima, Peru, at the George Bush Intercontinental Airport in Houston, Texas. On the jetway, a United States Customs and Border Protection Officer (CBP Officer) conducted a Customs outbound inspection. The CBP Officer asked Mr. Eyzaguirre if he was transporting more than \$10,000 in cash or monetary instruments for himself or others. Mr. Eyzaguirre stated that he was carrying only \$3,500.00. A CBP Officer observed a bulge in Mr. Eyzaguirre's jacket. The officer asked Mr. Eyzaguirre about the content of that bulge. Mr. Eyzaguirre told the officer that it was money. Mr. Eyzaguirre then counted his money and told the officer verbally and in writing that he was transporting \$7,900.00.

7. The CBP Officer instructed Mr. Eyzaguirre to place all of his currency on an inspection table. Initially, Mr. Eyzaguirre placed on the table \$7,971.00. The CBP Officer instructed Mr. Eyzaguirre to empty his pockets. Mr. Eyzaguirre presented \$5,000.00 from each of his front pockets. Also, a CBP Officer found \$5,000.00 in Mr. Eyzaguirre's carryon luggage. In total the officers discovered that Mr. Eyzaguirre was about to transport approximately \$22,971 out of the

United States. CBP Officers seized the funds for forfeiture.

Relief Requested

8. Plaintiff requests an arrest warrant and summons pursuant to Rule G, Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions, a judgment of forfeiture, and costs and other relief to which the Plaintiff may be entitled.

Dated: March 24, 2010.

Respectfully submitted,

José Angel Moreno
United States Attorney

By: /s/ Albert Ratliff
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Verification

I, Pierre Perry, Special Agent, United States Immigration and Customs Enforcement, declare under penalty of perjury as provided by 28 U.S.C. §1746 that I have read this Verified Complaint for Forfeiture in Rem, and the facts stated

in this complaint are true and correct to the best of my knowledge and belief.

Executed on March 24, 2010.



Pierre Perry, Special Agent
U. S. Immigration and Customs Enforcement